

## Adidas, Eric

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**From:** Benjamin, Agatha  
**Sent:** Tuesday, July 14, 2015 11:00 AM  
**To:** Adidas, Eric  
**Cc:** Anderson, Israel; Smith, Rhonda  
**Subject:** FOIA- Pintail Landfill - Hempstead Texas.

Eric,  
Per Israel and your request, I have provided you everything (meeting summary and trip report via email) OEJTA has pertaining to meetings regarding the Pintail Hempstead Landfill. I did not have anything per request in the hard files. If you should have any questions, please let us know.

Thanks

Agatha Benjamin, P.E.(IA) MBA  
Environmental Scientist  
Texas Community & Colonia EJ Liaison/ Coordinator  
U.S. Environmental Protection Agency  
Office of Environmental Justice and Tribal Affairs  
1445 Ross Avenue - 6RA-DJ  
Dallas, TX 75202-2733  
Telephone: (214) 665-7292  
Fax: (214) 665-2124



**TRIP REPORT  
PUBLIC MEETING  
PROPOSED NEW MUNICIPAL SOLID WASTE PERMIT NO. 2377  
PINTAIL LANDFILL, LLC'S  
HEMPSTEAD, TEXAS  
NOVEMBER 15, 2012**

On November 15, 2012, an Office of Environmental Justice and Tribal Affairs (OEJTA) staff member, Agatha Benjamin attended a Public Meeting held by the Texas Commission on Environmental Quality (TCEQ) regarding the proposed Pintail Landfill Municipal Solid Waste Permit No. 2377, which was still under TCEQ's technical review. The meeting was held in the Hempstead High School Auditorium located in Hempstead, Texas. The meeting commenced at 7:00 pm on November 15, 2012 and adjourned at approximately 12:50 am on November 16, 2012.

Per TCEQ, over four thousand (4,000) comments were received from the "Citizens against the Landfill in Hempstead" (CALH) in the towns of Hempstead and Prairie View, Texas. During the Public Meeting the comments voiced by CALH included, but were not limited to the following allegations:

- Environmental Injustice: The communities alleged that Green Group Holdings has a practice of constructing landfills in areas with large minority and economic disadvantage populations and that was the primary reason Hempstead, Texas was selected as the site for the Pintail landfill. Also, the applicant did not consider the Historical Black University within 3 miles of the proposed landfill and transfer station.
- The applicants falsified information that the proposed alternative site in the City of Waller, Texas contained historical artifacts and Hempstead did not. In addition, the applicant did not perform a proper archaeology dig as alleged.
- CALH alleged "conflict of interest and partiality," based on the fact that prior TCEQ's Commissioners are representing the applicant/company, which lends to Environmental Injustice via influences, potential bias and internal politics. Several TCEQ's Permit Reviewers worked under the Former Commissioners.
- TCEQ colluded with Green Group Holdings and its lobbyist to circumvent the permit process. The loop holes in the process are being used to deny CALH "due process". There are no statutes or regulations to address notices of deficiencies (NOD).
- TCEQ fails to adhere to its internal permit processing procedures and practices. CALH alleged an unfair process/practice being used by TCEQ in applying NOD and provided supporting documentations received (FOIA) from TCEQ records as evidence.
- TCEQ is violating its own policies and procedures in the process of the Pintail Applications. Evidence was presented that indicated permit application tapering and improper signature and violation of procedures to allow applicants to incorporate community comments and resubmit above and beyond time permissible.

- TCEQ is assisting the applicants by using citizen comments to write and justify the permit application.
- Misleading information on the TCEQ application process used to obstruct CALH action.
- Allegations of forger; GreenGroup Holdings, the manager of Pintail LLC, had someone sign a property affidavit for the permit application submitted to TCEQ in January 2012 before it conspired to have an city ordinance instituted for the landfill; and had someone else sign a property affidavit for the July 11, 2012 permit application submitted to TCEQ after the city ordinance was instituted. CALH provided supporting documentations as evidence.
- The applicant representative alleged that it would not be taking certain types of wastes and/or making certain modification to the landfill, but GreenGroup Holdings / Pintail LLC objected to CALH request to put it in writing as part of the permit application.
- Public Health Hazard, groundwater and public water contamination- there were questions regarding Part 361 of Health and Safety Code. GreenGroup Holdings representative said he was not aware of a water bacteria problem in Waller County.
- Allegations that the applicants and TCEQ did not record and/or revealed all the drinking wells in the area. One commenter stated that she lives or work directly across the street from the landfill and has three (3) wells that were not noted.
- A large population of Prairie View A&M University student body lives in the Hempstead area, per CALH representatives was not taken under consideration by TEX-DOT.

On November 16, 2012, EPA, EJ staff conducted a site visit of the proposed landfill location. OEJTA staff observed that homes were directly across the road from the site on 3 sides. The terrain is relatively flat with no obstruction between the proposed landfill and homes on two sides (wendt and Kelly Rd). There are trees and vegetation that could be used to obstruct the view of the proposed landfill from Highway 6, which is used heavily by students from several Universities and other travelers.

#### Finding of Facts:

- There are serious allegations of misconduct and process violations by the TCEQ and if factual, the communities may be subjected to environmental injustice and lack of due process issues.
- The applicant's representative stated that approximately 25 to 30 sites were evaluated and Hempstead, Texas met all the adequate requirements and the least challenge, but he did not expounded on the matter.
- The proposed landfill and transfer station sites will definitely have a negative effect on the rural community, being in the center of the community and directly across the road from residential homes/properties.
- There are potential environmental justice concerns, but it will take a concentrated effort to reveal them.

In conclusion, this trip allowed the EJ Liaison to evaluate the facts and allegations from both parties and view the proposed landfill and transfer Station site location. Understanding that EPA has limited authority regarding Environmental Justice, it is recommended that EPA work closer with the States and other organizations that receive federal funds on EJ matter and if possible encourage compliance with the Executive Order. It is recommended that RA/DRA meet with TCEQ to discuss CALH's allegations, EJ and the permitting process.

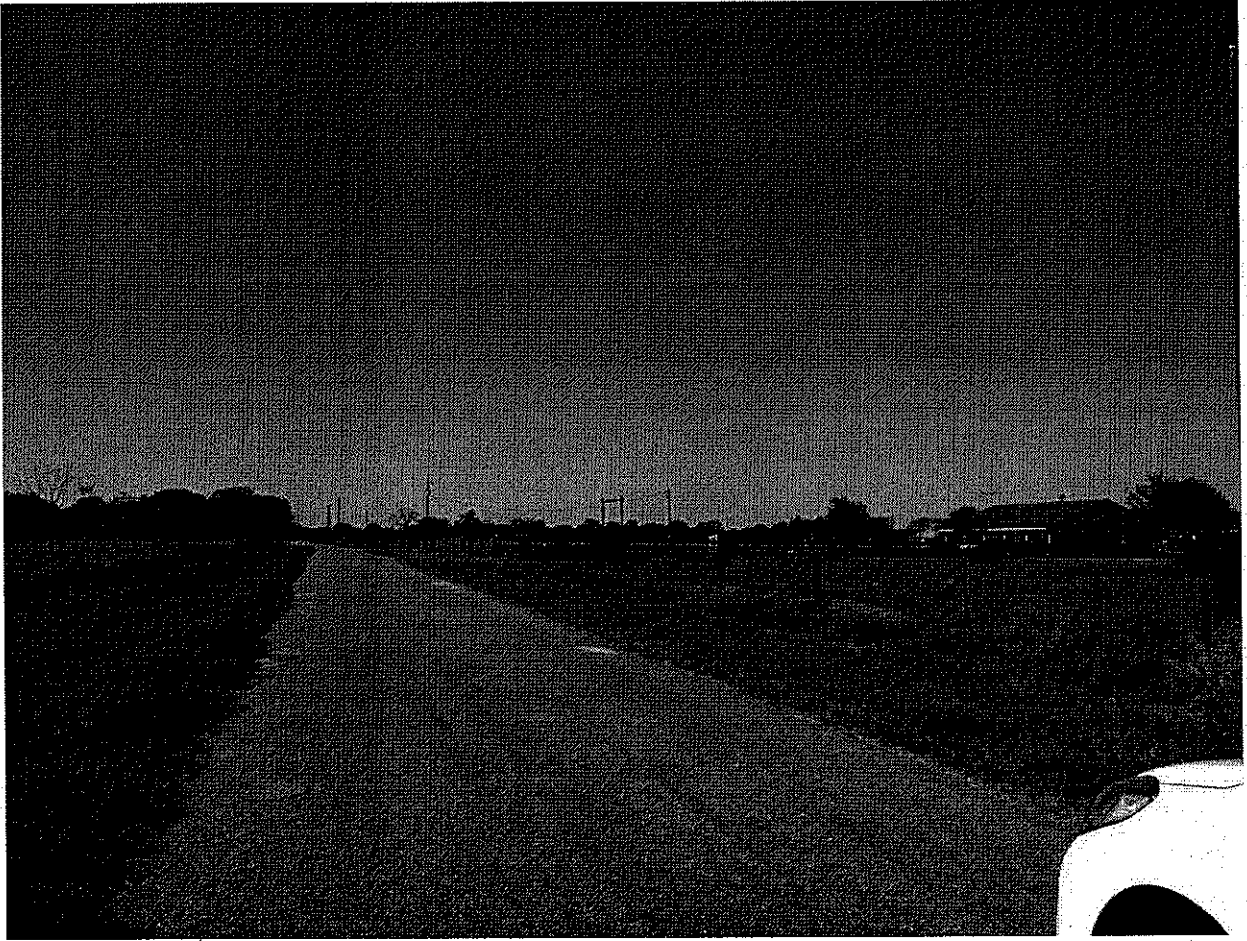
Agatha Benjamin, P.E.  
OEJTA Texas Community Liaison  
(214) 665-7292

December 13, 2012

PINTAIL LANDFILL PROPOSED SITE



Facing Hwy 6 (Tower/Tree Line) – Wendt Rd on Right and Kelly Rd –Left



Kelly Rd Viewing Toward Highway 6 – Proposed Pintail Landfill Site on Left



Resident on Kelly Rd Across From Proposed Landfill Site.

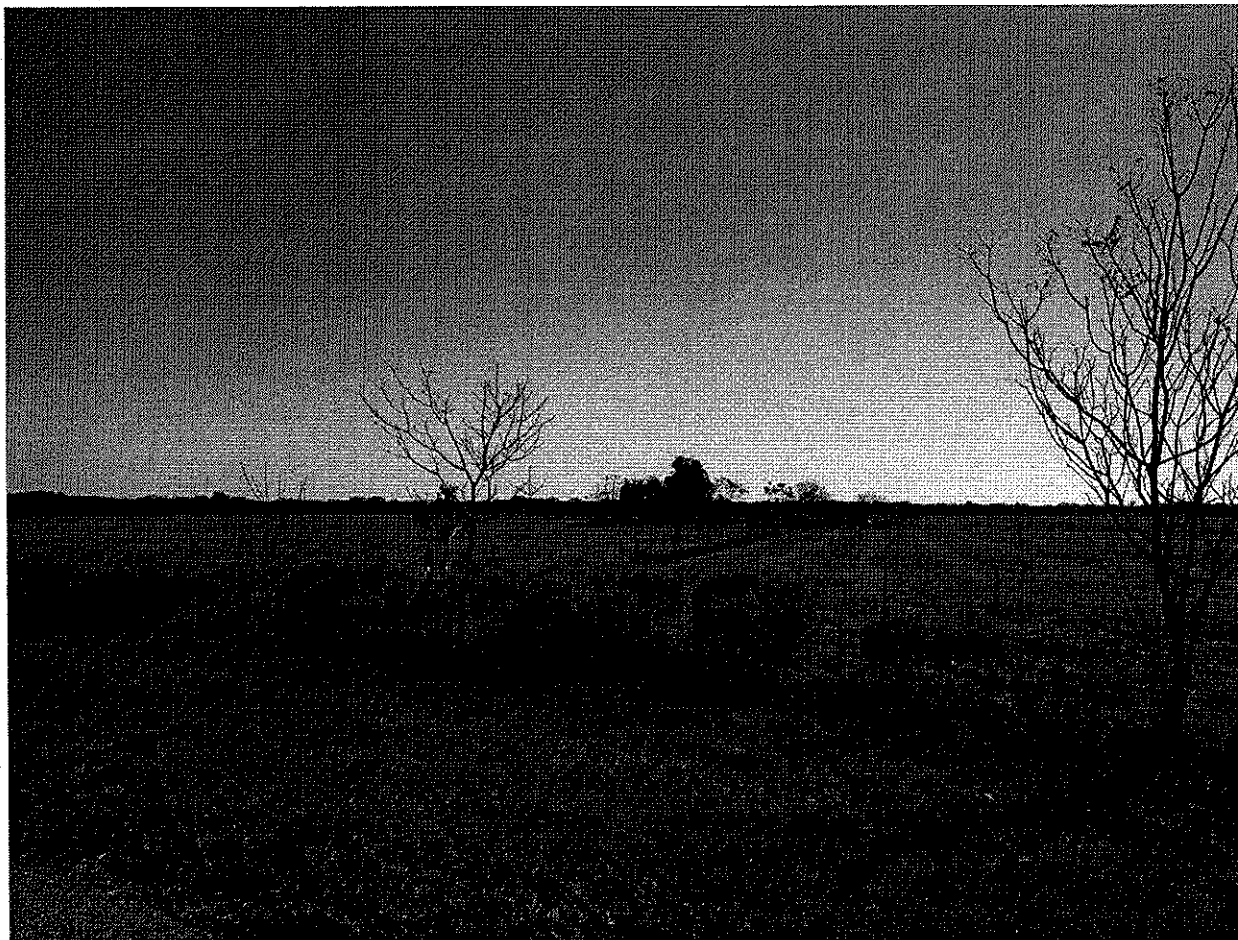


Kelly Rd looking toward Hwy 6 (behind trees)



Kelly Rd Dead End into Community of Homes - Landfill Continue beyond Creek (Trees Runs Along The Creek).





Proposed Landfill location site viewed from Kelly Rd looking toward Wendt Rd – Creek along tree line



Proposed Pintail Landfill Site Location

**Adidas, Eric**

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**From:** Benjamin, Agatha  
**Sent:** Monday, July 13, 2015 1:18 PM  
**To:** Adidas, Eric  
**Cc:** Anderson, Israel  
**Subject:** Hempstead Proposed Pintail Landfill  
**Attachments:** Heampstead Proposed Pintail Landfill.pdf

Hi Eric,  
More to follow

## Adidas, Eric

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**From:** Benjamin, Agatha  
**Sent:** Monday, July 13, 2015 1:25 PM  
**To:** Adidas, Eric  
**Cc:** Anderson, Israel; Smith, Rhonda  
**Subject:** EJ Trip Report November 15.16 2012.Pintail  
**Attachments:** EJ.Trip Rept November 15.16 2012.Pintail.pdf

Eric,  
Have a meeting will locate remaining document later. Due to change in computer system, it taking time.

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March 10, 2014  
Bridget C. Bohac, Chief Clerk  
TCEQ, MC - 105  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: Pintail Landfill, LLC  
TCEQ Docket No. 2012-0302-MSW  
Permit No. 2377

Dear Chief Clerk,

My name is Sarah Harrell  
I live at 22349 FM 359 Hempstead, Texas 77445  
Mailing address P.O. Box 287, Waller, Texas 77484  
Phone No. Home: 979-826-6228,  
Cell: 713-254-2261

I am writing you regarding the request for a Contested Case Hearing. We have never received our first Contested Case Hearing that we have requested. Your list of several hundred citizens requesting a Contested Case Hearing that was attached to your letter of February 27, 2014 has never been answered from your previous letter. Your current letter of Contested Case Hearing is telling us about your rules and consequences if we don't comply as you have instructed. We will lose all freedom to protest our rights or our verbal rights to Contest what TCEQ are doing to the citizens of North Waller County.

I am sure TCEQ and Chief Clerk; you know what you are doing because you have been told many times. I want to refresh your memory:

You are allowing Pintail Landfill, LLC Docket No. 2012-0302MSW to have a permit that you say meets the requirement of applicable law. This is being accomplished by selling a small minority city, Hempstead, and a great University, Prairie View to a Landfill. This part of Waller Co is about 96% minority and working class of people that have gardens, cows, chickens and watermelons for sale. All the land will be contaminated when the Landfill is completed.

You are allowing Pintail to have a Landfill over our water Aquifer that can damage all the way to Houston. But you know this, because there have been proof sent to you many times.

To deliberately contaminate food for our cattle, food for consumption, and water for citizens and animals and that will spread bacteria to the old, the poor, and the minorities is a crime against Man and God.

Please notify everyone on your list of the date and time that we can expect our Contested Case Hearing.  
Sincerely,

**2/20/2014**

**Pintail Landfill Update:**

Pintail Landfill is located at the northeast corner of Highway 290 east and highway 6 south, in Hempstead, Waller County, Texas.

The contestants requested a meeting with US EPA Region 6 to lodge a complaint and their opposition to siting of the Pintail Landfill in Hemstead, Waller County, Texas. That meeting took place with Mr. Glen Shankle (former TCEQ Executive Director) and two representative local residents.

EPA staff and Regional Administrator also met with the Pintail Landfill owners and consultants in 2013 and heard their side of the story.

The contestants lodged the petition with TCEQ opposing issuance of the permit and to request a Contested Permit hearing through the State of Texas Office of Administrative Hearings (SOAH) and asked that a judge schedule a hearing docket, on the Pintail Permit Application. There were several public comments submitted to TCEQ opposing the permit.

The EPA staff has been informed by TCEQ that the Pintail Landfill permit application is still on course for permitting consideration. TCEQ has just issued their Official Response to Public Comments.

The attachments summarize the issues.

Eric Adidas

US EPA Region 6, Dallas  
Multimedia Planning & Permitting, 6PDU  
MSW & UST Section

**2/20/2014**

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Eric Adidas

US EPA Region 6, Dallas  
Multimedia Planning & Permitting, 6PDU  
MSW & UST Section



## **SUMMARY OF ISSUES ON PINTAIL LANDFILL, MEMPSTEAD, TEXAS**

**Project:** A Type 1 SubTitle D Municipal Solid Waste (MSW) Landfill is proposed to be built between towns of Hempstead and Prairie View, Texas.

**Location:** Pintail Landfill is located at the intersection of State Highway 6 and State Highway 290 East, in the northeast quadrant of the intersection. The landfill site is bounded to the west by State Highway 6, to the south by Wendt Street and to the north by Kelly Road and to the east and south, by the flood plain of Clear Creek.

**Issue #1:** Location of Landfill to the nearby low income communities in Prairie View and Hempstead is a major concern to those communities. The communities **are opposed to permitting and operations of this Landfill** in the Hempstead- Prairie View, at is present proposed location.

### **Size of the Pintail Landfill:**

The Landfill will cover a base area of 434 acres of the total 723 acres property that it will sit on. The Landfill depth will be 38 feet deep in the ground, below the surface grade. The Landfill height will be 110 ft high from the ground level.

**Issue #2:** Location of Landfill to the nearby low income communities in Prairie View and Hempstead is a major concern to those communities

**Permit:** The owners have applied for a Type 1 MSW SubTitle D Landfill. The permit application is currently undergoing technical review by TCEQ RCRA permits section in Austin, Texas.

**Issue #3:** Permit Application is being contested by the communities of Hempstead and Prairie View.

### **The Owners/Permit Applicant:**

The Landfill applicant is "Pintail LLC" of Hempstead.

### **Ground Water Resources:**

There have been shallow wells constructed to pump ground water out of the Willis formation Aquifer. The landfill will be built within the uppermost aquifer with the bottom of the Landfill being founded just within a foot of the ground water table in the Willis formation Aquifer.

**Issue#4:** Citizens in the communities of Hempstead and Prairie View are afraid that their domestic water supply wells will be contaminated by leachate chemicals that the Landfill may release in the future.

### **Waste Hauling Trucks Traffic:**

Waste haul trucks will travel to the Landfill from Highways 290 and highway 6.

**Issue #5:** The citizens are concerned that the increased trucks traffic travelling the Highway 290 and highway 6 routes, will be unsafe and negatively impact the Prairie View & Hempstead communities.

#### Pintail Landfill:

Pintail Landfill is located at the northeast corner of Highway 290 east and highway 6 south, in Hempstead, Waller County.

The contestants requested a meeting with US EPA Region 6 to lodge a complaint and their opposition to siting of the Pintail Landfill in Hempstead, Waller County, Texas.

#### Complaint Basis:

The contestants claim was that the Landfill site characterization and therefore the design was flawed and that it would impact ground water. Their claims were:

1. They claimed/alleged that the Pintail landfill permit application was filed without drilling bores holes, soil testing and installing piezometers/ground water wells to characterize the site's soil engineering properties, geology and ground water hydrogeology all of which are required in RCRA SubTitle D Landfill permitting. This data bi needed in designing the Sub Title D Landfill and monitoring ground water resource at the Landfill.

Consequently they were claiming that TCEQ had allowed the applicant to violated Federal 40 CFR Part 258 and 40 CFR Part 257 regulations governing the permitting of

2. They also claimed EJ issues. And violation of civil rights of citizens that live within 2 miles radius of the proposed Landfill.

The contestants scheduled a meeting in Dallas with the US EPA Region 6.

The EPA Region 6 staff listened to the contestants claims and informed them that the Pintail landfill permit applications at Hempstead had complied with the applicable TCEQ's Subtitle D rules and the EPA Part 258 regulation.

Israel Anderson of the Office of EJ prepared the response on the EJ claims.

US EPA staff advised the contestant that the SubTitle Landfill permitting authorities were delegated to the States (TCEQ) and that EPA has limited oversight.

US EPA staff also provided guidance to the Contestants on how they could participate in legally challenging the Pintail Landfill before the TCEQ

The contestants lodged the petition with TCEQ to request a Contested Permit hearing through the State of Texas Office of Administrative Hearings (SOAH) and asked that a judge Schedule a hearing docket, on the Pintail Permit Application.

The last EPA staff heard about the Pintail landfill was that it was still pending the administrative hearing by the SOAH judge.

### **Pintail Landfill:**

Pintail Landfill is located at the northeast corner of Highway 290 east and highway 6 south, in Hempstead, Waller County, Texas.

The contestants requested a meeting with US EPA Region 6 to lodge a complaint and their opposition to siting of the Pintail Landfill in Hempstead, Waller County, Texas. That meeting took place with Mr. Glen Shankle (former TCEQ Executive Director) and two representative local residents.

The contestants lodged the petition with TCEQ opposing issuance of the permit and to request a Contested Permit hearing through the State of Texas Office of Administrative Hearings (SOAH) and asked that a judge Schedule a hearing docket, on the Pintail Permit Application. There were several public comments submitted to TCEQ opposing the permit.

The EPA staff has been informed by TCEQ that the Pintail Landfill permit application is still on course for permitting consideration. TCEQ has just issued their Official Response to Public Comments.

EPA staff and Regional Administrator also met with the Pintail Landfill owners and consultants in 2013 and heard their side of the story.

The attachments summarize the issues.

### **Complaint Basis:**

The contestants claim was that the landfill location was un-acceptable and that the Landfill site engineering and subsurface hydrogeology characterizations were not conducted and therefore the design was flawed and that it would impact ground water. Their claims were:

1. They claimed/alleged that the Pintail landfill permit application was submitted to the TCEQ, without drilling bores holes, sampling and soil testing and installing piezometers/ground water wells to characterize the site's soil engineering properties, geology and ground water hydrogeology all of which are required in RCRA SubTitle D Landfill permitting. This data bi needed in designing the Sub Title D Landfill and monitoring ground water resource at the Landfill.

Consequently they were claiming that TCEQ had allowed the applicant to violate the Federal 40 CFR Part 258 and 40 CFR Part 257 regulations governing the permitting.

2. They also claimed EJ issues that there was a violation of the civil rights of citizens that live within 2 miles radius of the proposed Landfill.

The contestants scheduled a meeting in Dallas with the US EPA Region 6 and the meeting was held

The EPA Region 6 staff listened to the contestants claims and informed them that the Pintail landfill permit applications at Hempstead had complied with the applicable TCEQ's Subtitle D rules and the EPA Part 258 regulation.

US EPA staff advised the contestant that the SubTitle Landfill permitting authorities were delegated to the States (TCEQ) and that EPA has limited permitting and enforcement oversight.

US EPA staff also provided guidance to the Contestants on how they could participate in legally challenging the Pintail Landfill before the TCEQ.

Mr. Ralph Marquez, former TCEQ Commissioner and the Green group Holdings (owners) of Pintail landfill and Region 4 EPA retiree, met with Mr. Willie Kelley, Eric Adidas, Israel Anderson and Agatha Benjamin on October 23, 2013; Mr. Ralph Marquez's group also met with EPA Region 6 Regional Administrator on October 23, 2013.

After several months, TECQ will have determined to schedule the Permit for Commissioners hearing, or, the applicant may request TCEQ to forward it straight to SOAH for hearing. At that point TCEQ, Applicant and the Contestant will be the official parties to the hearing before the SOAH's Judge.

In summary, US EPA has met both with the applicant and the Contestants to the Pintail Landfill.

Mr. Israel Anderson of the Office of EJ prepared the response on the EJ issues and Eric Adidas of MSW, EPA Region 6 prepared response on the Landfill issues.

## **REGION 6 EXECUTIVE SUMMARY**

TOPIC: Pintail Landfill, Hempstead – Prairie View

DATE: October 22, 2012

CONTACT: Eric Adidas, Israel Anderson

PURPOSE/ACTION NEEDED: Briefing the RA, EPA Region 6.

DEADLINE DATE: October 23, 2012

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### **BACKGROUND:**

EPA Region 6 Solid Waste Section and Environmental Justice Sections staff has met with Mr. Glen Shankle and two other citizens from Prairie View and Hempstead who are opposed to and are contesting the Pintail Landfill Permit application. EPA answered the technical questions Mr. Shankle had on the design of the Pintail Landfill Designed, Potential impact of the Landfill on the ground water within the shallow aquifer within which the Landfill will be built; Waste Hauling Trucks traffic on State Highway 290 and Highway 6. Also discussed was their opposition the location of the Landfill. EPA staff advised Mr. Glen Shankle that under the RCRA SubTitle D, Municipal Solid waste rules, 40 CFR Part 258 and 40 CFR Part 257, the US Congress did not grant EPA the authority to Permit or conduct enforcement on the Sub Title D Landfills. EPA has limited State oversight of the RCRA SubTitle D programs related to imminent and substantial endangerment to human health and the environment. The Pintail Landfill permit applicant is the Pintail LLC, Hempstead.

### **CURRENT STATUS:**

EPA has already met with the citizens of Prairie View that oppose this Landfill. The Applicant has scheduled a meeting with EPA technical staff to present their story, in the morning of October 24, 2012 and will meet with the RA after 1.0 pm, on the same day regarding the Landfill permit application that is currently undergoing technical review by the TCEQ.

### **ENVIRONMENTAL/PUBLIC HEALTH CONCERNS:**

The citizen's issues are that the Landfill will contaminate the shallow domestic water wells within 3 miles from the proposed Landfill facility. Second, they have claimed environmental injustice to surrounding minority communities, the citizens claim that the waste hauling traffic trucks will create a traffic safety and inconvenience and lastly, that they just don't like where this landfill is located in between the towns of Hempstead and Prairie View.

### **TECHNICAL CONCERNS:**

EPA has no technical concerns at this time.

### **REGULATORY/LEGAL REQUIREMENTS:**

- The Landfill Permit Application is subject to the TCEQ rules 30 TAC Part 330's applicable sections governing MSW SubTitle D Landfills.
- The US Federal regulations governing the Pintail Landfill compliance are, 40 CFR Parts 258 SubPart D Landfill Design Criteria and 40 CFR Part 257.
- The US 40 CFR Parts 60 Parts 750 – 759.

### **COMMUNITY CONCERNS:**

- EJ issues have been raised by the communities' representative, Mr. Glen Shankle, former Executive Director of the TCEQ.
- State: TCEQ has conducted town hall public meeting and is currently reviewing the Pintail Landfill Permit Application. The concerned Citizens within the communities of Hempstead and Prairie View and special interest groups have expressed their opposition to the proposed Landfill project. Their representatives have met with EPA Region 6 staff.
- Ground Water Wells will be polluted by the future potential Landfill leachate releases.
- There is concern about the impact of contaminated Landfill storm water run-off to Clear Creek.
- Traffic from trucks hauling waste to Pintail landfill, will cause unsafe and disruptive conditions to the current normal traffic.
- The landfill height of 110 ft above surface grade is excessive and un-acceptable to citizens.
- The Landfill location is a poor choice in a valuable landfill real estate and citizens oppose it.

### **RECOMMENDATIONS:**

EPA met with representatives of the concerned citizens and listen to their concerns. EPA staff answered the technical questions and addressed the issues including Landfill permitting process and Public participation process for the SubTitle D MSW Landfills permit applications. EPA concurred with the Applicant's engineers that the landfill liner will constructed as a standard SubTitle D liner design.



**W**orkforce Diversity, **E**nvironmental Stewardship **C**haracter, **A**ccountability, **R**espect, **E**xcellence

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Eric Adidas - Mail

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Eric Adidas

on Local

Today Oct 23, 2012

< October 2012 >

S	M	T	W	T	F	S
30	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3

Views

One Day

Two Days

One Work Week

One Week

One Month

Lists

Entries by Category

New More

< October 2012 >

Mon	Tue	Wed	Thu
	09:00 AM Invitation: SM	12:00 PM Invitation: EP	09:00 AM Invitation: Invi
8	9	10	11
Columbus Day	09:00 AM Invitation: SM	10:00 AM Invitation: lan	
15	16	17	18
09:30 AM Invitation: 2	09:00 AM Invitation: 3	01:00 PM Invitation: RS	
01:00 PM Parameter	03:00 PM Reschedul		
22	23	24	25
	09:00 AM Invitation: 4	10:00 AM Invitation: SM	
	02:00 PM Invitation: F	11:00 AM Meeting With	
11:00 AM - 12:00 PM Meeting With Ralph Marquez , Former TCEQ Commissioner and Represen Discuss Pintain Landfill Near Hempstead, Tx Santa Fe Room Israel Anderson			

Proposed Pintail Landfill  
Hempstead, Texas  
Briefing  
September 19, 2012  
1:00 PM – 2:00 PM CST

Attendee:

Jeannine Hale  
Deborah Ponder  
Israel Anderson  
Agatha Benjamin  
Willie Kelley  
Eric Adidas

Synopsis:

This meeting is to discuss the concerns and issues of a community group in the small rural town of Hempstead, Texas and their solicitation for Environmental Protection Agency intervention. Discussion will also include the EPA's finding, determination, recommendation and path forward. Management approval is requested to meet with the Community Representatives to give them an opportunity to discuss EPA findings and suggestions.

Agenda:

- I. Conference call and EPA commitments – 3 minutes
- II. Site Location 5-10 minutes
  - Demographic
  - Nearest Resident
  - Distance from Hempstead City limit
  - Creeks and Rivers
    - a. Recreation
    - b. Fishing (Consumption)
- III. Boring – 5 minutes
- IV. Piezometer – 3 minutes
- V. Groundwater Monitoring Wells
- VI. Landfill constructability - 10 minutes
- VII. Drinking Wells - 5 minutes
  - Capped Wells locations
  - Active Wells location
- VIII. Transportation Route –DOT – 5 minutes
  - US 290 (Outside City Limit)
  - Business 290 (thru Neighbor/town)
  - Railroad (Within City Limit)
- IX. Suggestions to the Community and Discussion -20 minutes
  - Impact on creeks and rivers
  - Impact on the community
    - a. Explore History of Parent/Holding Company – GreenGroup Holdings
      1. EJ communities
      2. Practices
      3. Compliance History
      4. Number of Permit modifications
      5. Permits reclassification
      6. Negative or positive impact to the communities



- 7. Who benefited from the land fill and how (communities or outsiders)
- b. Alternative locations within the Waller County or other rural areas.
  - 1. Opportunity to comments during land use acquisition
- c. Land value
- d. Noise (Trucks and landfill operation – time restriction and other)
- e. Odors (down wind or upwind)
- f. Safety
- g. Possible contamination of creeks and rivers
- h. Restriction on the height of Landfill – 35 '(slightly above of some trees)
- i. Provision in that the landfill will not be converted to a industrial hazardous landfill
- j. Provision that there will be no permit modification for vertical or horizontal expansion
- k. Review and modify waste access routes thru city (Bus 290).
- l. The primary liner constructed on bottom and sidewall slope of the landfill should be made of 2' of compacted clay and 60 mil FML HDPE liner material with additional secondary composite liner material. (Groundwater supplying domestic wells in the area is very shallow and is vulnerable to contamination from landfill leachate).

## **SUMMARY OF TELEPHONE CONFERENCE ON PINTAIL LANDFILL, LLC**

Mr. Glen Shankle, a former Texas Commission on Environmental Quality (TCEQ) Executive Director has been engaged by a minority Community in Hempstead, Texas, to represent them in opposition to TCEQ permitting and operations of:

- (1) A Type V (Transfer Station) Permit Application. The Transfer Station will be used for receiving, staging, managing and sorting of Solid Waste prior to transport to a landfill for Disposal.
- (2) A Type 1 (MSW Landfill) Permit Application for a SubTitle D- Municipal Solid Waste (MSW) Landfill Operations. This is a proposed permanent solid waste (Municipal and industrial non-hazardous waste) permanent disposal.

The two applications have been submitted by Pintail Landfill, LLC of Hempstead, Texas. Pintail Landfill LLC is part of the Green Group Holding, LLC Company. The Transfer Station will be built within the land hosting the Pintail Landfill facility. Green Group Holding is overseeing the implementation of the landfill project.

Mr. Glenn Shankle contacted the United States Environmental Protection Agency (USEPA) Region 6, and scheduled a telephone conference call, with the UST & Municipal Solid Waste Section; and the Office of Environmental Justice and Tribal Affairs, of the US EPA, Region 6. Mr. Shankle discussed with EPA the issues of Concern to the Hempstead Community that pertain to the proposed Pintail Landfill permit application that is being reviewed by the TCEQ staff.

Mr. Shankle raised two issues of concern during the discussions that he wanted EPA to address and look into:

- (1) Landfill Location/Sitting and Permitting in the minority and poor Community in Hempstead, Texas. Mr. Shankle asked that the Office of Environmental Justice look into the Pintail Landfill's selection of its Landfill site that, is located near the Hempstead poor minority community; and has the potential to adversely impact the Hempstead minority Community.

- (2) (a).

Potential of the Landfill releasing leachate that would pollute the shallow Ground Water Resource (Aquifers) and nearby Surface Water Creeks/Rivers. Mr. Shankle expressed concerns that most people in the area near the proposed landfill use shallow ground water (Wells) as the source of drinking water supply and there is fear that this landfill if permitted will pollute their wells.

(2).b).

Concern that there were no borings and piezometers installed at the proposed site to determine where the ground water Table/Potentiometric head lies and direction of ground water flow.

The USEPA Region 6 informed Mr. Shankle that the staff will look into the issues and will get back with him. The solid waste staff committed to reviewing the permit and focusing on the issues associated with the ground water protection, drinking water well protection and the boring data. OEJTA committed to doing a comprehensive EJ screen and analysis of the impacted area. In addition, the solid waste staff advised Mr. Shankle that EPA lacks the permitting and enforcement authority under the 40 CFR Part 258, RCRA SubTitle D Landfill regulations. As such, US EPA has very limited oversight of TCEQ permitting and enforcement processes.

Conference Attendees:

**Hempstead Community Representatives:**

Mr. Glenn Shankle

Ms. Sonia Ralls

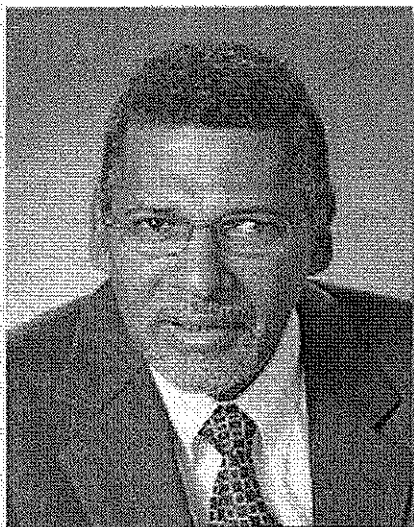
**US EPA, Region 6:**

Mr. Willie Kelley, UST & Municipal Solid Waste Section

Mr. Israel Anderson, Office of Environmental Justice and Tribal Affairs

Ms. Agatha Benjamin, P.E., Office of Environmental Justice and Tribal Affairs

Mr. Eric Adidas, UST & Municipal Solid Waste Section



**Glenn Shankle was named executive director in July 2004. In this role, he manages the day-to-day operations of the state's primary environmental agency. The TCEQ has broad responsibilities dealing with air quality and water quality, water supply, and waste management.**

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF PUBLIC MEETING FOR MUNICIPAL SOLID WASTE PERMIT APPLICATION

### PROPOSED PERMIT NO. 2377

**APPLICATION.** Pintail Landfill, LLC, P.O. Box 969, Hempstead, Waller County, Texas 77445, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Permit No. 2377, to authorize the Pintail Landfill, a new Type I Municipal Solid Waste Disposal Facility including a landfill, a citizens' collection station, and a recycling materials area. The landfill would be allowed to dispose of municipal solid waste, special waste, non-hazardous industrial solid waste that is Class 1 only because of asbestos content, and Class 2 and 3 non-hazardous industrial solid wastes. The facility would be located at 24644 Highway 6, Hempstead, Waller County, Texas 77445. Parts I and II of the application for the purpose of a land-use only determination were received by the TCEQ on July 22, 2011, and declared administratively complete August 9, 2012. On January 20, 2012, the Applicant submitted Parts III and IV of the application. TCEQ has consolidated the review and processing of all parts of the application and issues this notice as required by rule. All public participations, comments, and requests for a contested case hearing on Parts I and II of the application have been preserved, and a decision whether to grant the contested case hearing requests will be made by the Commission following the comment and hearing request periods held in conjunction with this consolidated application. This link to an electronic map of the facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to the application.

<http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=30.134167&lng=-96.061111&zoom=13&type=r>

The TCEQ Executive Director has determined that the application is administratively complete and is conducting a technical review of the application. After the technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.

**PUBLIC COMMENT / PUBLIC MEETING.** A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be

made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the Executive Director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

**The Public Meeting is to be held:  
Thursday, November 15, 2012 at 7:00 p.m.  
Hempstead High School Auditorium  
801 Donoho Street  
Hempstead, Texas 77445**

**INFORMATION.** Citizens are encouraged to submit written comments anytime during the public meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <http://www.tceq.texas.gov/about/comments.html>. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040. General information can be found at our Web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). *Si desea información en Español, puede llamar al 1-800-687-4040.*

The permit application is available for viewing and copying at the Waller County Clerk's Office, Waller County Courthouse, 836 Austin Street, Hempstead, Waller County, Texas 77445. Further information may also be obtained from Pintail Landfill, LLC, P.O. Box 969, Hempstead, Waller County, Texas 77445 or by calling Mr. Ernest Kaufmann, President, Green Group Holdings, LLC, Manager of Pintail Landfill, LLC at (770) 720-2717.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at 512-239-3300 or 1-800-RELAY-TX (TDD) at least one week prior to the meeting.

Issued: October 15, 2012

## PINTAIL LANDFILL

**APPLICANT:**

Pintail Landfill, LLC  
c/o Pintail Landfill  
24644 Highway 6  
Hempstead, Texas 77445  
770-720-2717

**TITLE & DESCRIPTION:** Pintail Landfill

Type I Municipal Solid Waste Facility  
Application Number MSW-2377

**FUNDING:**

Not Applicable

**FUNDING  
REPRESENTATIVE:**

Ms. Christine Bergren  
MSW Permit Section, MC 124  
Waste Permits Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**AREA AFFECTED:**

Site Location: The site is located in northwest Waller County, approximately one mile north of the intersection of State Highway 6 (SH 6) and US Highway 290, east of SH 6. The site is located outside the city limits and extra territorial jurisdiction (ETJ) of the City of Hempstead.

The life span of the proposed facility is 49 years. The closest landfill of similar type is approximately 31 miles away and located in Grimes County. The closest landfill in the H-GAC region of similar type is approximately 45 miles away.

Site Entrance: The landfill entrance and exit will be accessed from State Highway 6. No truck traffic will enter or exit from Kelley or Wendt roads.

**SYNOPSIS:**

**Acreage and Height**

The permit application is to construct a new landfill on previously undeveloped property. The applicant's property is approximately 723 acres, the proposed permit boundary is approximately 410 acres and the actual landfill footprint will cover approximately 223 acres. The proposed maximum fill elevation is approximately 159 feet above grade.

### **Land Use**

The proposed site is located approximately two miles north of downtown City of Hempstead, and is not subject to any city ordinances. Land use within a one-mile radius of the site is shown in the following table.

Land Use	Acreage	Percentage of Total Area	Units
Open (agricultural pasture lands or forested floodplain lands)	4,275	96%	-
Residential	92	2%	71 residences
Water Bodies	57	1%	-
Commercial/Industrial	29	1%	8 establishments
Total	4,453	100.0%	-

There are no churches, daycare centers, or schools within one mile of the permit boundary. A tract for cemetery use is located approximately 240 feet west of the northwest portion of the permit boundary, approximately 570 feet from the limit of fill. Approximately six residences are located on Kelley and Wendt roads.

The proposed facility is located outside the 100-year floodplain and the permit boundary ranges from 80 to 650 feet west of the North Branch of Clear Creek.

### **Waste Types Accepted**

The types of waste accepted will be municipal solid waste, special waste, and Class 2 and 3 industrial wastes. The facility will not accept medical waste, sewage, dead animals, slaughterhouse waste, sludge, grease or grit trap waste, liquid waste from municipal sources, municipal hazardous waste from conditionally exempt small quantity generators, or out of state wastes. A citizen convenience center and a construction and demolition materials recycling operation will also be located on-site.

### **Hours of Waste Acceptance**

The facility will be authorized to accept waste 5.5 days/week, Monday through Friday from 3 a.m. to 5 p.m. and Saturday from 5 a.m. to 12 p.m.

### **Traffic**

An independent traffic impact analysis was conducted by a traffic engineer. The analysis states the peak traffic for the facility is from 10:00 a.m. to 11:00 a.m. Peak morning traffic on SH 6 is from



7:00 a.m. to 8:00 a.m. Peak afternoon traffic on SH 6 is from 4:00 p.m. to 5:00 p.m.

Initially, about 161 vehicles per day (vpd) will enter the site from SH 6. At the end of the facility's life, approximately 250 vpd will enter the site. Traffic from south of the site will consist of about 158 vpd (98%) turning right from northbound SH 6 into the site entrance and 158 vpd turning left out of the site entrance onto southbound SH 6. An additional three vpd (2%) have been estimated to access the site from the north, entering the site via southbound SH 6 and exiting the site via northbound SH 6.

The traffic engineer recommends construction of acceleration and deceleration lanes on SH 6 for traffic entering and exiting the facility. The applicant will carry out these recommendations.

In the traffic impact analysis, the traffic engineer concludes that SH 6 has adequate capacity available to serve the traffic generated by the proposed facility.

*Site Traffic as Percentage of Total Traffic*

Analysis Year	Projected Daily Volume SH 6 north of US 290	Daily Site Traffic (Entry+Exit)	Site Traffic Percentage of Total Traffic
2015 (Build-out)	21,800	322	1.5%
2020 (Future)	23,800	344	1.5%
2063 (Horizon)	39,800	584	1.5%

*Comparison of Pintail Landfill Traffic and other Destinations or Facilities (from Institute of Traffic Engineers Trip Generation Model)*

- Pintail Landfill will generate 322 trips per weekday (161 vpd).
- A 60 home subdivision generates 650 trips per day.
- A fast food restaurant generates 1,800 trips per day.
- A discount superstore generates 8,800 trips per day.

**Buffer Distances**

- Approximately 890 feet from property line to permit boundary at the west. Approximately 1,200 feet from property line to footprint of waste at west. More than 1,700 feet from footprint to nearest residence to the west.
- Approximately 50 feet from property line to permit boundary at the north. Approximately 500 feet from property line to footprint of waste at north. Approximately 610 from footprint to nearest residence to the north.

- Approximately 50 feet from property line to permit boundary at the south. Approximately 850 feet from property line to footprint of waste at south. Approximately 940 feet from the foot print to the nearest residence to the south.
- Approximately 2,160 feet from property line to permit boundary at the east. Approximately 2,800 feet from property line to footprint of waste at east. More than one-half mile from the footprint to the nearest residence to the east.

#### **Visual Screening**

The proposed site will be visually screened by a combination of berms and new tree plantings. The berms will range up to 20 feet in height and will extend a total of more than 6,000 linear feet, mostly along the north and south sides of the site. Existing trees outside of the developed areas will remain. The new tree plantings will begin prior to the opening of the landfill.

#### **Waller County Siting Ordinance**

Pintail Landfill, LLC applied to the TCEQ for the proposed facility in July 2011. In August 2011, the Waller County Commissioners Court adopted a siting ordinance which designates areas of the county where disposal and processing of municipal solid waste is and is not allowed. The site of the proposed facility would not be permitted under this ordinance. H-GAC received a copy of a letter from the TCEQ to State Senator Hegar indicating that they would not consider the county ordinance since it was enacted after Pintail Landfill, LLC had filed its permit application.

#### **CONFORMANCE TO REVIEW CRITERIA:**

A primary goal and supporting objectives of the Regional Solid Waste Management Plan (adopted by TCEQ June 2007) are relevant to this application, specifically; the following goal and objectives of the plan are affected:

*Goal: Promote the planning for adequate municipal solid waste disposal, handling and management facilities.*

- Encourage appropriate distribution of facilities to minimize transportation costs.
- Encourage the development of larger regional facilities to the extent practical and where such facilities would be the best alternative.
- Encourage development of transfer stations and citizen collection stations, where appropriate.

#### **BUDGET:**

Not Applicable

## LOCAL GOVERNMENT

### NOTICE & COMMENTS: Request for Comments from Local Governments

As part of the review process for solid waste management permits, H-GAC asks for local government comments. In late May 2012, H-GAC contacted elected officials in Waller, Austin, Harris, Grimes and Washington counties and the cities of Hempstead, Pine Island, Prairie View and Waller. By the time of this review, H-GAC received comments from Waller County and the City of Hempstead.

#### *Waller County's Comments (July 25, 2012)*

- Pintail Landfill, LLC submitted an incomplete application to TCEQ at the time Waller County passed its landfill siting ordinances, so the siting ordinance should be considered.
- According to the siting ordinance, the proposed facility is located in an area prohibited for waste disposal.
- The Pintail Landfill is inconsistent with the regional plans and policies of H-GAC.
- The proposed facility is not needed.
- The proposed facility is incompatible with current and projected uses surrounding the facility.
- The proposed landfill is incompatible with current usage patterns and adjacent properties. The surrounding land uses are predominantly agricultural with some residential development within the vicinity.
- The nearby residences will be negatively impacted by the proposed facility due to odors, dust, noise, windblown trash, particulate matter and vibrations from the landfill's heavy equipment.
- The proposed landfill will stick out like "a community eyesore". Regardless of the buffering and screening, the aerial build-up is inappropriate to the surrounding topography and a violation of the goal to minimize negative visual impacts.
- H-GAC has inadequate information to make a determination concerning issues related to traffic at this time.
- Heavy vehicle traffic using the flyover from southbound SH 6 to eastbound US Highway 290 could significantly slow the ability of traffic to move. During inclement weather conditions, the flyover would be particularly hazardous for use by heavy vehicles.
- The proposed facility is inconsistent with regional plans and policies of H-GAC and the regional solid waste management plan. Waller County requests that the H-GAC Board of Directors submit a finding to the TCEQ that these applications should be denied.

*City of Hempstead's Comments (July 25, 2012)*

- The proposed landfill and transfer station will adversely affect the City of Hempstead by posing significant damage to the city's economic growth.
- Planned development, which brings jobs and positive economic impact to the city, may cease if the proposed landfill receives its permit due to the landfill's proximity to the City of Hempstead.
- The citizens are concerned about the protection of the aquifers which supply water and may become contaminated.

Copies of these letters follow this review.

**Other Comments**

H-GAC has received comments from City of Hempstead, the Waller County Sub-Regional Planning Commission, and six residents.

*City of Hempstead's 2011 Comments*

- On July 18, 2011, the City of Hempstead adopted a resolution in opposition to the landfill.

*Waller County Sub-Regional Planning Commission*

- Requested H-GAC to conduct further research on potential development and future safety.
- Concerns about traffic flow and safety hazards.

*Residents' Comments*

- Series of questions regarding how H-GAC was made aware of the landfill, the county's host agreement, promotion of recycling, compaction rates, a 2005 waste characterization study, planned expansion, capacity, per capita disposal, waste types accepted at transfer stations, the Regional Solid Waste Management Plan, and recycling in Waller County.
- Concerns about flooding and drainage, purity of water, rodents, air quality, traffic, wetlands, visual impact, and economic growth.
- Copied H-GAC in letter to Office Chief Clerk of TCEQ. Letter outlined objections: land use, pollution of Harris County groundwater supply, use of groundwater in operations, dust from operations, traffic hazards, conformance with H-GAC Solid Waste Management Plan, eliminates future economic growth, redirected drainage from the permit area, conversion of the southeastern part of Rainey Ranch to wetlands, need for facility.

- Copied H-GAC in a letter to Office of Chief Clerk of TCEQ. Concerns about odors, noise, loss of property values, traffic hazards, surface water and groundwater, mineral interests, notice to landowners, landfill need, effect on minority community, effect on employment, wetlands, drainage, air quality, and visual impacts.

*Pintail Landfill, LLC's Comments*

Pintail Landfill, LLC has submitted a letter in response to Waller County's and City of Hempstead's letters, which includes the host agreement.

Copies of this correspondence follow this review.

**STAFF COMMENTS &  
RECOMMENDATIONS:**

The applicant should work with an arborist to identify fast-growing trees to quickly establish a visual buffer. Special attention needs to be given to the residences on Kelley and Wendt roads.

To help resolve any potential resident complaints regarding nuisance, the applicant should establish procedures for addressing and reporting complaints.

The applicant should conduct a traffic signal warrant analysis for the entrance to the facility.

Many concerns have been raised by local governments and residents of this proposed facility, including flooding and drainage, water pollution, air quality, traffic, traffic hazards, wetlands, visual impact, economic growth, land use, nuisance (dust, rodents, noise, odors) use of groundwater in operations, surface water and groundwater, loss of property values, mineral interests, notice to landowners, landfill need, effect on minority community, and effect on employment.

H-GAC will forward all comments received to the TCEQ and urges a thorough evaluation of these concerns in considering this permit application.

Staff finds no evidence of inconsistency with plans, policies and H-GAC review criteria.

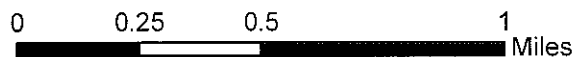
**H-GAC STAFF:**

Amy Boyers  
Resiliency Coordinator  
Community and Environmental Planning  
713-993-2441





Proposed Pintail Landfill  
MSW 2377, Type I Landfill  
Pintail Landfill, LLC

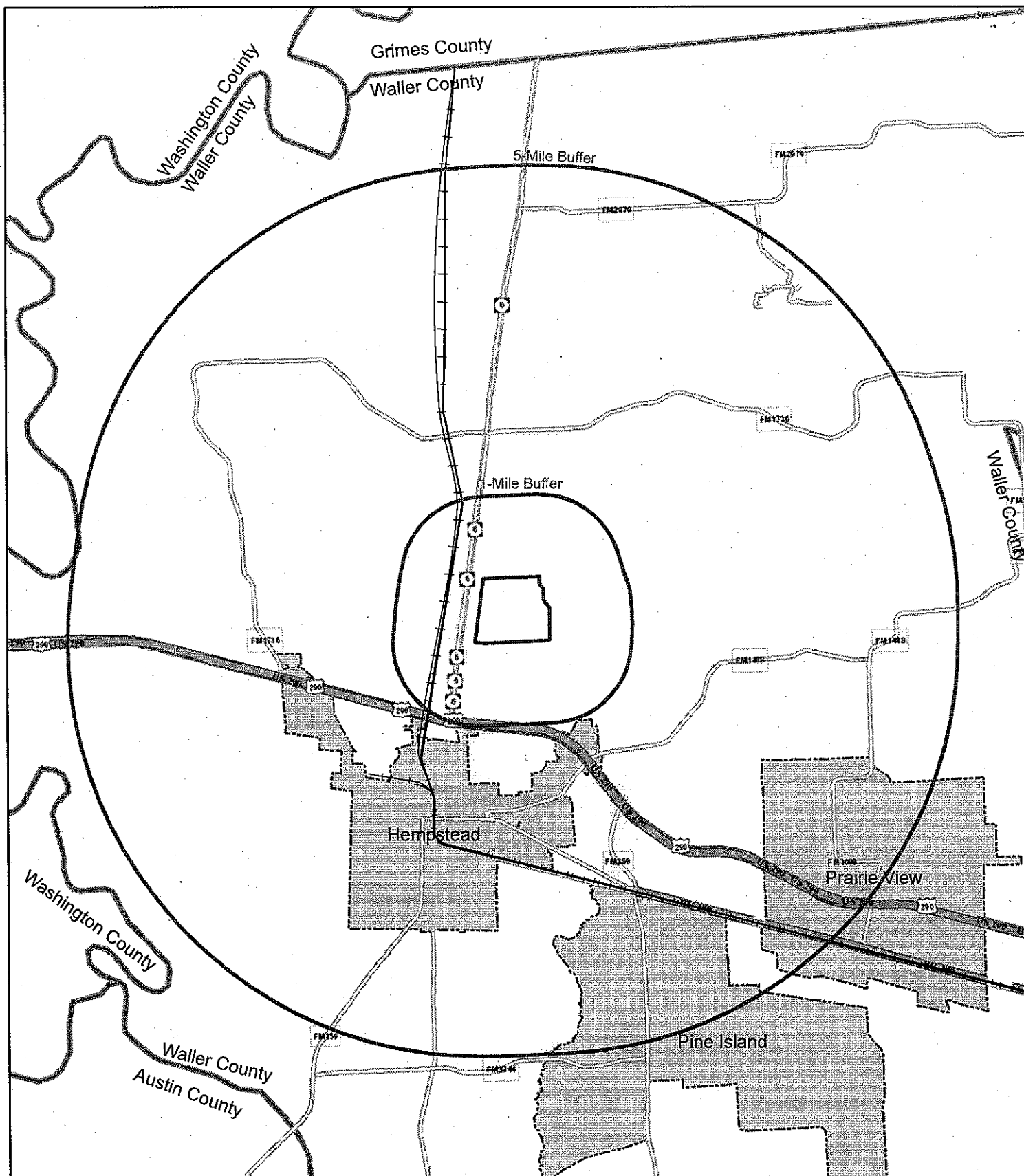


July 2012. Disclaimer: The information on this map represents the most current information available to H-GAC and is for general informational purposes only. H-GAC does not impliedly or expressly warrant its accuracy or completeness and neither assumes nor will accept any liability for its use.



- Proposed Pintail Landfill  
Permit Boundary
- 1-Mile Buffer
- Residences within 1 Mile of Facility
- Railroad
- Commissioner Precinct
- City Limit Boundary





Proposed Pintail Landfill  
MSW 2377, Type I Landfill  
Pintail Landfill, LLC

0 0.5 1 2 3 4 5 Miles



- Proposed Pintail Landfill Permit Boundary
- Buffer
- +— Railroad
- ▨ City Limit Boundary
- ▭ County Boundary

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